

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 06-4040-01-CR-C-SOW
)
BENJAMIN NATHAN SMITH)
)
Defendant.)

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

Defendant Benjamin Smith, by consent, appeared before the undersigned on January 22, 2008, pursuant to Fed. R. Crim. P. 11, Local Rule 72(j)(26), and 28 U.S.C. § 636, and has entered a plea of guilty to Count One of the indictment filed on June 1, 2007. After cautioning and examining the defendant, under oath, concerning each of the subjects mentioned in Rule 11, it was determined that the guilty plea was knowledgeable and voluntary, and that the offense to which the defendant has plead guilty is supported by a factual basis for each of the essential elements of the offense.

IT IS, THEREFORE, RECOMMENDED that the plea of guilty be accepted and that defendant Smith be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its filing will bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated this 22nd day of January, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge